

Thomas A. Egan (TE 0141)
Flemming Zulack Williamson Zauderer LLP
One Liberty Plaza
New York, New York 10006
(212) 412-9507

and

Jan P. Weir (admitted *pro hac vice*)
Steven M. Hanle (admitted *pro hac vice*)
Jennifer A. Trusso (admitted *pro hac vice*)
Douglas Q. Hahn (DH 3032)
Stradling Yocca Carlson & Rauth
660 Newport Center Dr., Suite 1600
Newport Center, CA 92660
(949) 725-4000

Attorneys for Defendant
Apollo Enterprise Solutions, LLC

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

DEBT RESOLVE, INC.,

Plaintiff,

-v-

APOLLO ENTERPRISE SOLUTIONS, LLC,

Defendant.

07-cv-4531(JSR)

ECF Designated Case

**DECLARATION OF JENNIFER A. TRUSSO IN SUPPORT OF DEFENDANT'S
MOTION FOR SUMMARY JUDGMENT OF PATENT NON-INFRINGEMENT**

I, Jennifer A. Trusso, hereby declare as follows:

1. I am a partner with the law firm of Stradling Yocca Carlson & Rauth, attorneys for defendant Apollo Enterprise Solutions, LLC.

2. I make this Declaration based upon my personal knowledge and upon a review of the files maintained by Stradling Yocca Carlson & Rauth.

3. Annexed hereto as Exhibit 1 is a true and correct copy of U.S. Patent No. 6,330,551.

4. Annexed hereto as Exhibit 2 is a true and correct copy of Debt Resolve's Complaint in this action.

5. Annexed hereto as Exhibit 3 is a true and correct copy of the Federal Circuit's decision in *Cybersettle, Inc. v. National Arbitration Forum, Inc.*, 2007 U.S. App. LEXIS 17537 (Fed. Cir. 2007).

6. Annexed hereto as Exhibit 4 is a true and correct copy of U.S. Patent No. 6,954,741.

7. Annexed hereto as Exhibit 5 is a true and correct copy of the March 23, 2007 DECLARATION OF CHRISTOPHER IMREY IN SUPPORT OF APOLLO ENTERPRISE SOLUTIONS, LLC'S MOTION TO DISQUALIFY GREENBERG TRAURIG, LLP, which was filed in the case of *Apollo Enterprise Solutions, LLC v. Debt Resolve, Inc.*, CV 07-106 (C.D. Cal., Fairbank. J.).

8. Annexed hereto as Exhibit 6 is a true and correct copy of relevant portions of the July 24, 2007 Deposition of G. Christopher Imrey.

9. Annexed hereto as Exhibit 7 are true and correct copies of screenshots showing the Apollo IDS system presenting a debtor with multiple payment plans in the "payment options" mode, which were marked as part of Exhibit 1 to the Imrey Deposition.

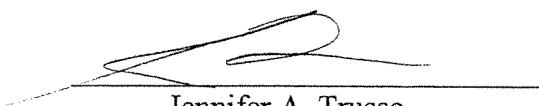
10. Annexed hereto as Exhibit 8 are true and correct copies of screenshots showing the Apollo IDS system prompting the debtor to suggest a payment amount, promising to make a

future payment and requesting that the debtor explain the reason that the debtor is unable to pay, which were marked as part of Exhibit 1 to the Imrey Deposition.

11. Annexed hereto as Exhibit 9 are true and correct copies of screenshots showing the "negotiate" mode in operation, which were marked as part of Exhibit 1 to the Imrey Deposition.

I hereby declare under penalty of perjury that the foregoing is true and correct.

Executed this 20th day of August, 2007 in Newport Beach, California.



Jennifer A. Trusso